

Notice of Allowability	Application No.	Applicant(s)	
	09/500,977	SOONG, JAMES W.	
	Examiner	Art Unit	
	Carolyn M Bleck	3626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the appeal brief filed 9 August 2004.
2. ☒ The allowed claim(s) is/are 21,23,28,30-32,38,41 and 45-56.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☒ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date 10 November 04.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|---|
| <ol style="list-style-type: none"> 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | <ol style="list-style-type: none"> 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>10 November 2004</u>. 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance 9. <input type="checkbox"/> Other _____ |
|--|---|


TARIQ R. HAFIZ
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600

Notice to Applicant

1. This communication is in response to the Appeal Brief filed on 9 August 2004. Claims 21, 23, 28, 30-32, 38, 41, and 45-56 are pending. Claims 1-20, 22, 24-27, 29, 33-37, 39-40, and 42-44 have been cancelled. Claims 21, 23, 28, 30-32, 38, 41, and 45-56 (renumbered 1-20) are allowed.

Drawings

2. Because this application has been allowed formal drawings are required in response to this Office Action. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

Interview Summary

3. Telephonic interviews were conducted on November 3, 4, 9, 10, and 12, 2004 regarding the pending application. An interview summary has been attached with this Office action.

Specification

4. The title has been changed to "A Method for Accessing Component Fields of a Patient Record by Applying Access Rules Determined by the Patient."

Examiner's Amendment

5. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

6. Authorization for this examiner's amendment was given in a telephone interview with James Soong on 10 November 2004.

7. The Application has been amended as follows:

(A) Please enter the following abstract:

Information about a patient is electronically handled as records. Access rules determined by the patient are stored in a computer. A first group of individual records are provided access under the access rules to a first group of component fields. A second group of individuals are provided under the access rules to a second group of the component fields. Access to records is selectively provided to personal relations of the patient, health care providers, and accounting or billing personnel.

(B) Please insert the following changes starting at page 5, line 3, of the Applicant's specification. This paragraph should immediately follow page 5, line 2 of the Applicant's specification.

In accordance with still yet another aspect of the present invention, information about a patient is electronically handled as records. Access rules determined by the patient are stored in a computer. A first group of individuals are provided access under the access rules to a first group of component fields. A second group of individuals are provided access under the access rules to a second group of the component fields. Access to records is selectively provided to personal relations of the patient, health care providers, and accounting or billing personnel.

Below is a complete listing of new page 5 of Applicant's specification.

~~In accordance with still other aspects of the present invention, the records are~~
~~health care records.~~

In accordance with still yet another aspect of the present invention, information about a patient is electronically handled as records. Access rules determined by the patient are stored in a computer. A first group of individuals are provided access under the access rules to a first group of component fields. A second group of individuals are provided access under the access rules to a second group of the component fields. Access to records is selectively provided to personal relations of the patient, health care providers, and accounting or billing personnel.

These and various other embodiments of the present invention, as well as the advantages and features of all of its many embodiments, are described in more detail in conjunction with the text below and attached figures.

BRIEF DESCRIPTION OF THE DRAWINGS

Figure 1 shows a network linking communication devices in accordance with one of many embodiments of the present invention;

Figure 1A shows a network linking communication devices in accordance with another of many embodiments of the present invention;

Figure 2 shows a computer as an example of a communication device in accordance with one of many embodiments of the present invention;

Figure 3 shows a login ID web page in accordance with one of many embodiments of the present invention;

Figure 4 shows a menu page in accordance with one of many embodiments of the present invention;

Figure 5 shows a record page in accordance with one of many embodiments of the present invention;

Figure 6 shows a file history in accordance with one of many embodiments of the present invention;

Figure 7 shows a flow diagram of record access provision in accordance with one of many embodiments of the present invention;

8. Please enter all of the following changes to the claims:

Claims 1-20 have been cancelled.

21. (Amended) A method for managing health care-related information about a patient as electronic records over a communications network comprising:

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electronically handling the records as a plurality of component fields maintained in a database of a health care organization, each component field associated with a particular type of data associated with the patient;

storing determining access rules determined by the patient in a computer, the access rules based at least in part on a role of a person desiring access, to selectively govern access to the component fields by both health care providers and non health care providers, ~~the access rules determined by the patient;~~

applying the access rules before the component fields are accessed;

providing to a first group of individuals access based on the access rules to a first predetermined group of the component fields of the records when a first access parameter is present, the first access parameter relating to desired access by the a first group of individuals, the first group of individuals including a first health care provider having a first role, ~~the providing access based on the access rules to the first predetermined group of the component fields including providing access to the first group of individuals,~~ the first predetermined group of the component fields relating to a first medical condition of the patient;

providing to a second group of individuals access based on the access rules to a second predetermined group of the component fields of the records when a second access parameter different from the first access parameter is present, the second predetermined group of the component fields not identical to the first predetermined group of the component fields, the second access parameter relating to desired access by the a second group of individuals not identical to the first group of individuals, the

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second group of individuals including a second health care provider having a second role not identical to the first role, the providing access based on the access rules to the second predetermined group of the component fields including providing access to the second group of individuals, the second predetermined group of the component fields relating to a second medical condition of the patient; and

completely denying to the second group of individuals access to at least a portion of the first predetermined group of the component fields of the records ~~when the second access parameter is present~~, wherein the first predetermined group of the component fields is not all of the component fields and the second predetermined group of the component fields is not all of the component fields.

22. (Cancelled)

23. (Amended) The method of claim 21 ~~wherein the determining access rules includes considering a role of a person desiring access, the method~~ further comprising evaluating a login identifier associated with the person, the login identifier associated with the role of the person.

24. (Cancelled)

25. (Cancelled)

26. (Cancelled)

27. (Cancelled)

28. (Previously presented) The method of claim 21 wherein:

the second predetermined group of component fields is indicative of good health of the patient; and

the first predetermined group of component fields is indicative of bad health of the patient.

29. (Cancelled)

30. (Amended) The method of claim 21 further comprising ~~wherein the determining access rules includes:~~

associating with one of the component fields permitting transactions selected from the group consisting of create, display, modify, and transmit, or any combination thereof;

associating with the one component field unpermitted transactions selected from the group consisting of create, display, modify, and transmit, or any combination thereof; and

restricting manipulation of the one component field to only the permitted transactions.

31. (Previously Presented) The method of claim 21 further comprising:

selectively organizing the records or component fields thereof according to selectable parameters based at least in portion upon the particular types of patient data; and

compiling the organized records or component fields thereof into an electric file history that is storable in the electronic database for later access.

32. (Amended) The method of claim 21 ~~wherein the first group of individuals includes health care providers and the second group of individuals includes~~ at least one health care providers ~~not also~~ included in the first group of individuals.

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33. (Cancelled)

34. (Cancelled)

35. (Cancelled)

36. (Cancelled)

37. (Cancelled)

38. (Amended) A method for managing health care-related information about a patient as electronic records over a communications network comprising:

electronically handling the records as a plurality of component fields maintained in a database of a health care organization, each component field associated with a particular type of patient data associated with the patient;

storing determining access rules determined by the patient in a computer to selectively govern access to the component fields, ~~the access rules determined at least in part by the patient;~~

applying the access rules before the component fields are accessed;

providing based on the access rules for a first group of individuals access to a first set of component fields of the records when a first access parameter is present, the first access parameter relating to desired access by the first group of individuals, the first set of component fields relating to medical health ~~a first condition of the patient, the first group of individuals including health care providers;~~

providing based on the access rules for a second group of individuals not identical to the first group of individuals access to a second set of component fields of the records when a second access parameter not identical to the first access parameter

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is present, the second set of component fields not identical to the first set of component fields, the second access parameter relating to desired access by the second group of individuals, the second set of component fields relating to a criterion about monetary amounts owed by second condition of the patient, the second group of individuals including billing or accounting personnel; and

denying to the second group of individuals access to at least a portion of the first set of component fields of the records.

39. (Cancelled)

40. (Cancelled)

41. (Amended) The method of claim 38 ~~40~~ wherein the first set of component fields includes information about medical health of the patient, the method further comprising denying the billing or accounting personnel access to any portion of the first set of component fields.

42. (Cancelled)

43. (Cancelled)

44. (Cancelled)

45. (New) The method of claim 21 wherein:

the first medical condition concerns a first illness suffered by the patient; and

the second medical condition concerns a second illness suffered by the patient.

46. (New) The method of claim 45 wherein the first illness and the second illness are not medically related.

47. (New) The method of claim 21 wherein the computer includes the database.

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48. (New) The method of claim 47 wherein the computer is a server.

49. (New) The method of claim 48 further comprising:

storing a threshold event relating to data about the patient, the threshold event defined by the patient;

analyzing the records to determine if the threshold event has occurred; and

sending an electronic notification to an entity selected by the patient upon occurrence of the threshold event.

50. (New) The method of claim 21 wherein the computer includes the database and the access rules are stored in the database.

51. (New) A method for managing health care-related information about a patient as electronic records over a communications network comprising:

electronically handling the records as a plurality of component fields maintained in a database of a health care organization, each component field associated with a particular type of data associated with the patient;

storing access rules determined by the patient in a computer to selectively govern access to the component fields by both health care providers and non health care providers;

applying the access rules before the component fields are accessed;

providing to a first group of individuals access based on the access rules to a first predetermined group of the component fields of the records when a first access parameter is present, the first access parameter relating to desired access by the first

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group of individuals, the first predetermined group of the component fields relating to a first medical condition of the patient;

_____ providing to a second group of individuals, including a personal relation who is not a medical care provider of the patient, access based on the access rules to a second predetermined group of the component fields of the records when a second access parameter different from the first access parameter is present, the second predetermined group of the component fields not identical to the first predetermined group of the component fields, the second access parameter relating to desired access by the second group of individuals not identical to the first group of individuals, the second predetermined group of the component fields relating to a second medical condition of the patient and constituting a fraction of all of the component fields; and _____ completely denying the second group of individuals access to at least a portion of the first predetermined group of the component fields of the records.

52. (New) The method of claim 51 comprising:

_____ associating with one of the component fields permitting transactions selected from the group consisting of create, display, modify, and transmit, or any combination thereof;

_____ associating with the one component field unpermitted transactions selected from the group consisting of create, display, modify, and transmit, or any combination thereof; and

_____ restricting manipulation of the one component field to only the permitted transactions.

53. (New) The method of claim 51 wherein the computer includes a database.

54. (New) The method of claim 38 further comprising denying to the first group of individuals access to at least a portion of the second set of component fields of the records.

55. (New) The method of claim 38 wherein the first group of individuals or the second group of individuals includes a personal relation of the patient, wherein the personal relation of the patient is not billing or accounting personnel or a health care provider.

56. (New) The method of claim 38 wherein the computer includes the database.

Allowable Subject Matter

9. Claims 21, 23, 28, 30-32, and 45-56 (now renumbered 1-20) are allowed. The following is an Examiner's statement of reasons of allowance:

As per claim 21 (now renumbered 1), the closest prior art of record is Gupta (6,516,315) and Wilkins (6,523,009). Gupta teaches a method for controlling access to information, which includes a plurality of data objects, on a computer system being accessible to a plurality of users by providing an access right for each relationship between a user and a data object. Gupta discloses only high level roles such as a system administrator having full access to the data object, and most other system users having read-only access. Wilkins teaches an individualized patient electronic medical records system that provides unlimited patient access to his/her medical records where access to the medical records by a medical provider and/or administrators is not impeded by a password or other protective means.

Gupta and Wilkins, taken alone or in combination, do not disclose the following steps of claim 21 (now renumbered 1): “storing access rules determined by the patient in a computer, the access rules based at least in part on a role of a person desiring access to selectively govern access to the component fields by both health care providers and non health care providers,” “providing to a first group of individuals access based on the access rules to a first predetermined group of the component fields of the records when a first access parameter is present, the first access parameter relating to desired access by the first group of individuals, the first group of individuals including a first health care provider having a first role, the first predetermined group of the component fields relating to a first medical condition of the patient,” and “providing to a second group of individuals access based on the access rules to a second predetermined group of the component fields of the records when a second access parameter different from the first access parameter is present, the second predetermined group of the component fields not identical to the first predetermined group of the component fields, the second access parameter relating to desired access by the second group of individuals not identical to the first group of individuals, the second group of individuals including a second health care provider having a second role not identical to the first role, the second predetermined group of the component fields relating to a second medical condition of the patient.”

As per claim 38 (now renumbered 13), the closest prior art of record is Gupta (6,516,315) and Wilkins (6,523,009). Gupta teaches a method for controlling access to information, which includes a plurality of data objects, on a computer system being

accessible to a plurality of users by providing an access right for each relationship between a user and a data object. Gupta discloses only high level roles such as a system administrator having full access to the data object, and most other system users having read-only access. Wilkins teaches an individualized patient electronic medical records system that provides unlimited patient access to his/her medical records where access to the medical records by a medical provider and/or administrators is not impeded by a password or other protective means.

Gupta and Wilkins, taken alone or in combination, do not disclose the following steps of claim 38 (now renumbered 13): "storing access rules determined by the patient in a computer to selectively govern access to the component fields," "providing based on the access rules for a first group of individuals access to a first set of component fields of the records when a first access parameter is present, the first access parameter relating to desired access by the first group of individuals, the first set of component fields relating to medical health of the patient, the first group of individuals including health care providers," and "providing based on the access rules for a second group of individuals not identical to the first group of individuals access to a second set of component fields of the records when a second access parameter not identical to the first access parameter is present, the second set of component fields not identical to the first set of component fields, the second access parameter relating to desired access by the second group of individuals, the second set of component fields relating to a criterion about monetary amounts owed by the patient, the second group of individuals including billing or accounting personnel."

As per claim 51 (now renumbered 18), the closest prior art of record is Gupta (6,516,315) and Wilkins (6,523,009). Gupta teaches a method for controlling access to information, which includes a plurality of data objects, on a computer system being accessible to a plurality of users by providing an access right for each relationship between a user and a data object. Gupta discloses only high level roles such as a system administrator having full access to the data object, and most other system users having read-only access. Wilkins teaches an individualized patient electronic medical records system that provides unlimited patient access to his/her medical records where access to the medical records by a medical provider and/or administrators is not impeded by a password or other protective means.

Gupta and Wilkins, taken alone or in combination, do not disclose the following steps of claim 51 (now renumbered 18): "storing access rules determined by the patient in a computer to selectively govern access to the component fields by both health care providers and non health care providers," "providing to a first group of individuals access based on the access rules to a first predetermined group of the component fields of the records when a first access parameter is present, the first access parameter relating to desired access by the first group of individuals, the first predetermined group of the component fields relating to a first medical condition of the patient," and "providing to a second group of individuals, including a personal relation who is not a medical care provider of the patient, access based on the access rules to a second predetermined group of the component fields of the records when a second access parameter different from the first access parameter is present, the second

predetermined group of the component fields not identical to the first predetermined group of the component fields, the second access parameter relating to desired access by the second group of individuals not identical to the first group of individuals, the second predetermined group of the component fields relating to a second medical condition of the patient and constituting a fraction of all of the component fields.”

Claims 23, 28, 30-32, 41, 45-50, and 52-56 (now renumbered claims 2-12, 14-17, and 19-20) incorporate the features of claims 21, 38, and 51 (now renumbered 1, 13, and 18 respectively) through dependency, and are also allowed for the same reasons given above.

10. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure. The cited but not applied prior art teaches personalizing hospital intranet websites (6,076,166), dynamic remotely accessible medical record (US 2001/0032100), medical record management system and process with improved workflow features (WO 97/32271), a clinical trial of a knowledge-based medical record (Safran), development of a knowledge-based electronic patient record (Safran), and Sterling Commerce announces newest version of connect (PR newswire).

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carolyn Bleck whose telephone number is (703) 305-3981. The Examiner can normally be reached on Monday-Thursday, 8:00am – 5:30pm, and from 8:30am – 5:00pm on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached at (703) 305-9588.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Receptionist whose telephone number is (703) 306-1113.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

13. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

Or faxed to:

(703) 872-9306 or (703) 872-9326 [Official communications]

(703) 872-9327 [After Final communications labeled "Box AF"]

(703) 746-8374 [Informal/ Draft communications, labeled
"PROPOSED" or "DRAFT"]

Hand-delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive,
Arlington, VA, 7th Floor (Receptionist).

CB

November 15, 2004


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